

THE BERKMAN LAW OFFICE, LLC

111 Livingston Street, Suite 1928
Brooklyn, New York 11201

Tel: (718) 855-5627

Fax: (718) 855-4696

May 27, 2020

BY ECF

Hon. Roanne L. Mann
Chief Magistrate Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Kumer, et al. v. Hezbollah*
Case no. 18-cv-07449 (CBA) (rlm)

Dear Judge Mann:

On February 12, 2020, Your Honor issued a Memorandum and Order denying without prejudice plaintiffs' motion for leave to effect substitute service on defendant Hezbollah pursuant to Fed. R. Civ. P. 4(f)(3). (DE 7). Your Honor denied that motion after finding that plaintiffs' evidence of Hezbollah's relationship with the three entities on which plaintiff had requested leave to effect substitute service was stale, and that plaintiffs had not shown that service by publication was still unviable. (*Id.* at 5-6).

Since the Memorandum and Order was issued plaintiffs have been endeavoring to obtain fresh, up-to-date evidence (documentary and/or testimonial) of the current state of the matters identified by the Court, in order to file a renewed motion for substitute service. Unfortunately, this effort has been hampered by the shut-down and other circumstances resulting from the COVID-19 pandemic, including the closure of our office and furloughing of our staff, quarantine of plaintiffs' undersigned counsel due to active COVID-19 cases among his children, and the unavailability of the relevant consultants and experts who can help obtain and provide the missing evidence.

Accordingly, we wish to inform the Court that plaintiffs intend to file their renewed motion for substitute service within the next 60 days.

We thank you for your consideration.

Respectfully,


Robert J. Tolchin